



**NOTICE OF MEETING
OF THE
GOVERNING BODY OF
COPPERAS COVE, TEXAS**

*An agenda information packet is available for public inspection
in the Copperas Cove Public Library, City Hall and
on the City's Web Page, www.ci.copperas-cove.tx.us*

Notice is hereby given that a **Regular Council Meeting** of the City of Copperas Cove, Texas, will be held on the **3rd day of November 2009** at **7:00 p.m.** in the City Hall Council Chambers at 507 South Main Street, Copperas Cove, Texas 76522, at which time the following subjects will be discussed:

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. ANNOUNCEMENTS

E. PUBLIC RECOGNITION

1. Employee Service Awards – November 2009. **Andrea M. Gardner, City Manager**
 - Frank Haase, Drainage Laborer – 10 years
2. Employee of the Quarter Recognitions - 2nd Quarter 2009. **Andrea M. Gardner, City Manager**
 - Public Safety Division – Robert Martin, Division Chief of Prevention
 - Community Services Division – Gene Williams – Parks Supervisor
 - Public Works Division – Robert Mitchell – Solid Waste Driver
 - Administrative Services Division – Donna Baker, Public Affairs/ Volunteer Coordinator

F. CITIZENS FORUM – At this time, citizens will be allowed to speak for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

G. CONSENT AGENDA – All matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

1. Consideration and action on approving the minutes from the workshop council meeting on October 26, 2009. **Jane Lees, City Secretary**
2. Consideration and action on approving the minutes from the regular council meeting on October 26, 2009. **Jane Lees, City Secretary**

H. PUBLIC HEARINGS/ACTION

1. Public Hearing and action on an ordinance amending the 2009-10 fiscal year budget for the City of Copperas Cove. **Wanda Bunting, Director of Financial Services**

I. ACTION ITEMS

1. Consideration and action on appointment of new members to the Keep Copperas Cove Beautiful Commission. **Silvia Rhoads, Executive Director, Keep Copperas Cove Beautiful**
2. Discussion and possible action on establishing a date to hold a public hearing and designation of a reinvestment zone for purposes of granting tax abatement per the Texas Property Tax Code. **Andrea M. Gardner, City Manager**

J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS – None.

K. ITEMS FOR FUTURE AGENDAS

L. EXECUTIVE SESSION

M. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

N. ADJOURNMENT

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (254) 547-4221, (254) 547-6063 TTY, or FAX (254) 547-5116 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Copperas Cove was posted at _____, October 30, 2009, on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

Jane Lees, TRMC, CMC, City Secretary



**NOTICE OF WORKSHOP
OF THE
GOVERNING BODY OF
COPPERAS COVE, TEXAS**

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public inspection in the Copperas Cove Public Library, City Hall and on the
City's Web Page www.ci.copperas-cove.tx.us*

Notice is hereby given that a **Workshop** of the City of Copperas Cove, Texas will be held on the **3rd day of November 2009**, at **7:30 p.m.**, in the City Hall Council Chambers at 507 South Main Street, Copperas Cove, Texas 76522 at which time the following subjects will be discussed:

A. CALL TO ORDER

B. ROLL CALL

C. WORKSHOP ITEMS

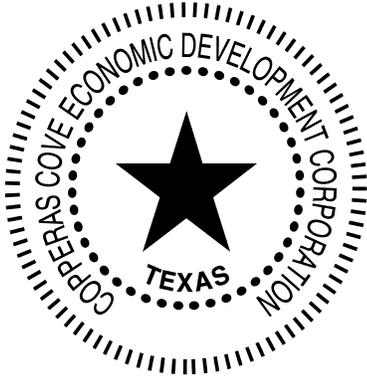
1. Discussion and possible action on the CCEDC Bylaws. **Andrea M. Gardner, City Manager**
2. Provide direction to CCEDC regarding the Bylaws. **Dan Yancey, Board Chairman, CCEDC**

D. ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (254) 547-4221, (254) 547-6063 TTY, or FAX (254) 547-5116 for information or assistance.

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Jane Lees, TRMC, CMC
City Secretary



CORPORATE BYLAWS

ARTICLE I POWERS AND PURPOSES

- Section 1.01 In order to implement the purposes for which the Corporation was formed as set forth in the Articles of Incorporation, the Corporation shall receive, secure, and disburse tax proceeds from the half cent sales tax for economic development and may issue obligation to finance all or part of the cost of one or more “projects” or other uses authorized by the ~~as defined in the~~ Development Corporation Act, ~~of 1979,~~ Article 5190.6, Vernon’s Annotated Texas Civil Statutes, as amended (the “Act”), as amended (the “Act”).
- Section 1.02 The Corporation shall not issue any bonds or certificates of obligation pursuant to the Economic Development Act, unless the City Council of the City of Copperas Cove, Texas (“The Unit”) has approved said action by resolution, adopted no less than thirty (30) days prior to the date of the issuance of the bonds or certificates of obligation.
- Section 1.03 The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors (the “Board of Directors”) and committees having any of the authority of the Board of Directors. All books and records of the corporation shall be kept at the principal office of the Corporation where they shall be available to the public in accordance with the ~~Open Records Act, Article 6252-17a, Vernon’s Annotated Texas Civil Statutes,~~ Texas Public Information Act, Sec 522 et seq., Texas Government Code, as amended. The Unit ~~(City Council)~~ shall be entitled to approve all programs and expenditures of the Corporation and annually review any financial statements of the Corporation.
- Section 1.04 All expenditures made by the Corporation shall comply with The Development Corporation Act, Section 501 et seq., Local Government Code. No part of its funds shall be used to benefit any individual, firm or corporation, except in compliance with said statute. No obligation or expenditure shall be made by the Corporation unless the Board of Directors shall determine that sufficient provision has been made for full payment of said obligation or expenditure, including but not limited to repayment of bonds issued in the name of the Corporation. ~~The Corporation shall disburse corporate funds in accordance with state law except that the limitation on purchasing and contracting in the City Charter requiring approval of the City Council shall apply to the Corporation and shall require approval of the Board of Directors in place of the City Council.~~

Section 1.05 ~~The Corporation shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefits of any individual, firm or corporation, except that in the event of Board of Directors shall determine the sufficient provision has been made for the full payment of the expenses, bonds and other obligation of the Corporation issued to finance all or part of the cost of a project then any net earning of the Corporation thereafter accruing with respect to said project shall be paid to the Unit.~~

ARTICLE II **DIRECTORS**

Section 2.01 The **property and** affairs of the corporation shall be managed **and controlled** by the Board of Directors, **subject to the restrictions imposed by law, the articles of incorporation and bylaws, and** shall be composed in its entirety of persons appointed by the City Council of the City of Copperas Cove, Texas.

Section 2.02 Vacancies in the Board shall be filled by the appointment of successor directors by the City Council.

Section 2.03 The property and business of the Corporation shall be managed by the Board, which may exercise all powers of the Corporation and so all lawful acts.

Section 2.04 **The number of directors shall be five (5). Directors shall serve a term which consists of three years and are eligible for re-appointment upon approval of the City Council. Directors shall be removable at any time by the City Council by official majority vote.**

Section 2.05 ~~Approved by City Council 10-5-99~~ The annual meeting of the Board shall be held at the principal office of the Corporation to coincide with the Regular October Meeting of the Board. All other meetings may be held at the place selected ~~by the~~ within the corporate limits of the City of Copperas Cove, Texas. Every Annual, Regular, or Special Meeting of the Board of Directors shall be open to the public, except as otherwise permitted by the Constitution of the State of Texas or by the Open Meetings Act, Government Code Chapter 551.

Section 2.06 Regular meeting, other than the annual meeting, may be held at such time as shall from time to time be determined by resolution of the Board and with such notice as may be required from time to time by law.

Section 2.07 Special meetings of the Board may be called by the Chairman on three days notice to each director, either personally or by mail **or by electronic mail** ~~or by telegram~~; special meetings may also be called by the Secretary in like manner on the written request of two Directors.

Section 2.08 Written notice of the date, hour, place and subject of each meeting of the Board of Directors shall be posted at such times and in such places as prescribed by the Open Meetings Act, ~~Vernon's Annotated Texas Civil Statutes,~~ **Chapter 551, Local Government Code**, as amended.

- Section 2.09 At all meetings of the Board the presence of three Directors shall be necessary and sufficient to constitute a quorum for the transaction of business. ~~and that no act of the corporation shall be valid or binding unless adopted by the affirmative vote of three directors.~~ Unless otherwise provided in these Bylaws or in the Articles of Incorporation or as required by law, the act of a simple majority of the directors present at any meeting for which a quorum is present shall be the act of the board of directors. Any Director may bring to the attention of the meeting any apparent conflict of interest or potential conflict of interest of any other Director, in which case the Board shall determine whether a true conflict of interest exists before any vote shall be taken regarding that particular matter. The Director as to whom a question of interest has been raised shall refrain from voting with regard to the determination as to whether a true conflict exists. If a quorum shall not be present at any meeting of the Board, the Board present thereat may recess the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.
- Section 2.10 Public hearings required under Section ~~403(k)~~ 147(f) of the Internal Revenue Code of 1954, as amended, may be called and conducted by any officer or Director of the Corporation, and such officer or Director may establish the date, place, and time of the hearing and may give notice of the hearing.
- Section 2.11 All meetings of the Board shall be held within the corporate limits of the City of Copperas Cove.
- Section 2.12 The Board may, by resolution or resolutions adopted by a majority of the whole Board, establish one or more committees, each committee to consist of two or more of the directors of the Corporation. Such committee or committees shall have such name or names, and such powers, as may be determined from time to time by resolution adopted by the Board of Directors
- Section 2.13 The committee shall keep regular minutes of their proceedings and report the same to the Board when required.
- Section 2.14 Directors, as such, shall receive no compensation for services rendered as directors, but shall be reimbursed for all reasonable expenses incurred in performing their duties as Directors.

ARTICLE III
NOTICES

- Section 3.01 Whenever under the provisions of the statutes or these Bylaws, notice is required to be given to any director, it shall not be construed to mean personal notice, but such notice may be given in writing, by mail, **electronic mail** addressed to such Director at such address as appears on the books of the Corporation and such notice shall be deemed to be given at the time when the same shall be thus mailed.
- Section 3.02 Whenever any notice is required to be given under the provisions of the statutes or of these Bylaws, a waiver thereof in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

ARTICLE IV
OFFICERS

- Section 4.01 Each year at the **Annual** meeting in October, the Board of Directors will organize, appointing a Chairman, Vice-Chairman, Secretary, and Treasurer.
- Section 4.02 The officers of the Corporation chosen pursuant to Section 4.01 shall serve until their successors are chosen and qualify in their stead.
- Section 4.03 The Board may appoint such other officers and agents as it shall deem necessary, who shall hold their offices for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Board.
- Section 4.04 Any officer elected or appointed by the Board may be removed at any time by the affirmative vote of a majority of the whole Board. If the office of any officer becomes vacant for any reason, the vacancy shall be filled ~~by the~~ Board by the Board.

The Chairman

- Section 4.05 The Chairman shall preside at all meetings of the Directors.
- Section 4.06 The Chairman shall be an ex officio member of all standing committees, shall have a general supervision of the management of the business of the Corporation, and shall see that all orders and resolutions of the Board are carried into effect.
- Section 4.07 The Chairman shall execute bonds, mortgages, and other contracts requiring a seal, under the seal of the Corporation, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly delegated by the Board to some other officer or agent of the Corporation.

The Vice-Chairman

Section 4.08 The Vice-Chairman, in the absence or disability of the Chairman, performs the duties and exercises the powers of the Chairman and shall perform such other duties as the Board shall prescribe.

The Secretary

Section 4.09 The Secretary shall attend all sessions of the Board and cause to be recorded all votes and the minutes of all proceedings in a book to be kept for that purpose and shall perform like duties for the standing committee when required. He shall give, or cause to be given, notice of all special meetings of the Board and shall perform other such duties as may be prescribed by the Board or the Chairman, under whose supervision he shall be. He shall keep in safe custody the seal of the Corporation and, when authorized by the Board, affix the same to any instrument requiring it, and when so affixed, it shall be required as to instruments executed in the course of ordinary business he shall attest to the signature of the Chairman or Vice-Chairman and shall affix the seal hereto.

The Treasurer

Section 4.10 To the extent not otherwise provided by the Board, by rules or regulation, in resolutions relating to the issuance of bonds, or in any financing documents relating to such issuance, the Treasurer shall have the custody of the Corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation and shall deposit all moneys and other valuable effects in the name and to the credit of the Corporation in a depository previously selected and secured as provided for under law for municipal funds. He shall disburse the funds of the Corporation as may be ordered by the Board, taking proper vouchers for such disbursements, and shall render to the Chairman and Directors, at the regular meetings of the Board, or whenever they may require it, an account of all his transactions as Treasurer and of the financial condition of the Corporation.

Section 4.11 The Board may require the Chairman, Vice-Chairman, the Secretary, and the Treasurer to give the Corporation bond in such sums and with such surety or sureties as shall be satisfactory to the Board for the faithful performance of the duties of their office and for the restoration of the Corporation, in case of his death, resignation, retirement, or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his possession or under his control belonging to the Corporation.

Section 4.12 The provisions of the Texas Uniform Facsimile Signature of Public Officials Act shall be applicable to the Corporation, which is duly constituted instrumentality of the City of Copperas Cove, Texas, a political subdivision of the State of Texas.

Section 4.13

~~Approved by
City Council
11-5-96~~

All members of the Board of Directors shall be required to attend the Basic Economic Development Course (BEDC) at an acceptable institution of higher learning within ~~eighteen~~ **twelve** months of the initial appointment date to the Board. An acceptable alternative course that would meet the BEDC's curriculum requirements may be substituted with approval in advance by a majority vote of the other Board members. If because of scheduling requirements or no course vacancies are available, one six-month extension period to the requisite may be granted by a majority vote of the Board. Otherwise, if this prerequisite is not met with the prescribed time frame, the non-complying Board member's position shall be declared vacant by the Board within thirty days of the end of the prescribed period. ~~Upon approval by the Corporation's Board of Directors and City Council, this bylaw shall have an effective date of December 1, 1996 for all subsequent appointments to the Board.~~

Section 4.14

~~Approved by
City Council
11-5-96~~

~~All members of the Board of Directors shall be required to attend at least 75% of all official meetings of the Corporation within each fiscal year. Failure to do so shall constitute reason for removal from office by a majority vote of the other members of the Board.~~

Regular attendance at the board meeting is required of all board members. Should any Director miss three consecutive meetings without being excused by the remaining directors or attendance reflecting unexcused absences constituting fifty percent (50%) of the regularly scheduled meetings over any twelve month period. In the event replacement is indicated, Director will be counseled by the Chairman and, subsequently, the Chairman shall submit, in writing, to the City Secretary, a statement informing City Council of the need to replace the Director in question. The office shall be declared vacant and filled in accordance with these Bylaws.

Section 4.15

The City Manager or designee or the City Council designee may attend all meetings of the Board of Directors, including executive, private or public. These representatives shall not have the power to vote in the meetings they attend. Their attendance shall be for the purpose of ensuring that information about the meetings is accurately communicated to the City Council and to satisfy the City Council obligation to control the powers of the Corporation.

ARTICLE V
FISCAL PROVISIONS

Section 5.01

No dividends shall ever be paid by the Corporation and no part of its net earning remaining after payment of its expenses shall be distributed to or inure to the benefit of its directors or officers or any individual, firm, corporation, or association, except that in the event the Board of Directors shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the Corporation, then any net earnings, of the Corporation thereafter accruing shall be paid to the City of Copperas Cove, Texas. ~~No part of the Corporation's activities shall be carrying on propaganda, or otherwise attempting to influence legislation, and it shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office.~~

Section 5.02 The Board shall have prepared for each annual meeting a full and clear statement of the business and condition of the Corporation. The Corporation will be audited ~~annually as part of the City Annual Audit.~~ **And the audit shall be presented to City Council for their review. The Corporation shall also periodically submit, at the request of City Council, a report containing unaudited financial status and other significant activities of the Corporation.**

Section 5.03 All checks or demands for money and notes of the Corporation shall be signed by such officers as the Board may from time to time designate, provided that in no event shall a check be negotiable until it is signed by at least two officers.

Fiscal Year

Section 5.04 The fiscal year shall be from October 1 to September 30 each year.

Section 5.05 The Executive Director shall ~~ninety~~ **60** days prior to the beginning of each fiscal year, prepare and submit to the Board of Directors a proposed budget- for the fiscal year. The budget shall provide a plan for a program of-activities. It shall also include a budget message, explain any major changes in fiscal policy, and any notable changes from the current budget in expenditure and revenue items. It shall also show revenues and expenditures to date for the current year. The proposed budget shall also provide a list of estimated revenue sources and proposed expenditures by fund and category. It shall also show a schedule of any debt owed by the Corporation and the requirements for the repayment of all debt by issue or class. The budget shall also include a category for Capital Projects, if proposed, that is within the operating budget. Capital Projects shall have a summary of proposed programs along with financing methods, cost estimates and an initial time schedule, if available, for each improvement.

~~Approved by
City Council
6-20-00~~

Fiscal Policy for Maintaining Adequate Level of Reserves in Corporation's Operating Fund and Other Funds

Section 5.06 The Corporation shall maintain unencumbered cash reserves equivalent to three (3) months expenditures for the Operating Fund. This twenty-five (25) percent designated reserve shall be based on the approved Operating Fund-Budget for that year. Any long-term debt shall have at least a three (3) month reserve or whatever is required by bond ordinance or instrument. Unencumbered cash reserves in excess of the recommended amounts may be moved by Board action to the Capital Projects Fund. The Capital Projects Funds may be used in a manner prescribed by the Board for a major capital outlay, capital improvement, land acquisition, or other items allowed by Texas Law. Disbursement from the Capital Project Fund shall be by budget appropriation. Funds may also be transferred from the Capital Project Fund to the Operating Fund Reserve when the level of reserve falls below minimum levels **with approval of the Board of Directors.**

~~Approved by
City Council
6-20-00~~

Section 5.07 The Executive Director shall be authorized to complete line item transfers within the Budget, without increasing the total Budget. These line item transfers will be completed by Budget Reallocation, as needed, and will be presented to the Board for approval. Estimated expenditures shall not exceed estimated resources. If at any time the Budget needs to be amended through an increase, a majority vote of the Board of Directors and approval of City Council will be required.

Section 5.08 Temporary and idle funds which are not needed for immediate obligations of the Corporation may be invested in any legal manner provided by state law.

**ARTICLE VI
OFFICES**

Section 6.01 The principal office of the Copperas Cove Economic Development Corporation (the "Corporation") shall be at 210 South First Street, Copperas Cove, TX , 76522.
~~Approved by
City Council
11-5-96~~

ARTICLE VII

Section 7.01 These Bylaws are not in force until approved by the City Council of the City of Copperas Cove, Texas.

Section 7.02 These Bylaws may be altered, changed, or amended at any meeting of the Board at which a quorum is present, provided notice of the proposed alteration, change, or amendment be contained in the notice of such meeting by the affirmative vote of a majority of the Directors at such meeting and present thereat, but the altered, changed, or amended Bylaws are not in force until approved by the City Council.

APPROVED: *Original*

DATE: May 20, 1993

L. O. Owsley
Chairman

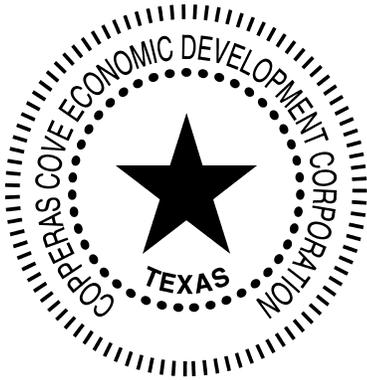
DATE: July 6, 1993

Jim Schmitz
Mayor

ATTEST:

Russell A. Love
Secretary EDC

Rose E. Mansfield
City Secretary



CORPORATE BYLAWS

ARTICLE I **POWERS AND PURPOSES**

- Section 1.01 In order to implement the purposes for which the Corporation was formed as set forth in the Articles of Incorporation, the Corporation shall receive, secure, and disburse tax proceeds from the half cent sales tax for economic development and may issue obligation to finance all or part of the cost of one or more “projects” or other uses authorized by the Development Corporation Act, Section 501 et. seq., Local Government Code, formerly known as the Development Corporation Act of 1979, Article 5190.6, Vernon’s Annotated Texas Civil Statutes, as amended (the “Act”).
- Section 1.02 The Corporation shall not issue any bonds or certificates of obligation pursuant to the Economic Development Act, unless the City Council of the City of Copperas Cove, Texas (“The Unit”) has approved said action by resolution, adopted no less than thirty (30) days prior to the date of the issuance of the bonds or certificates of obligation.
- Section 1.03 The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors (the “Board of Directors”) and committees having any of the authority of the Board of Directors. All books and records of the corporation shall be kept at the principal office of the Corporation where they shall be available to the public in accordance with the Texas Public Information Act, Sec 522 et seq., Texas Government Code, as amended. The Unit shall be entitled to approve all programs and expenditures of the Corporation and annually review any financial statements of the Corporation.
- Section 1.04 All expenditures made by the Corporation shall comply with The Development Corporation Act, Section 501 et seq., Local Government Code. No part of its funds shall be used to benefit any individual, firm or corporation, except in compliance with said statute. No obligation or expenditure shall be made by the Corporation unless the Board of Directors shall determine that sufficient provision has been made for full payment of said obligation or expenditure, including but not limited to repayment of bonds issued in the name of the Corporation.

ARTICLE II
DIRECTORS

- Section 2.01 The property and affairs of the corporation shall be managed and controlled by the Board of Directors, subject to the restrictions imposed by law, the articles of incorporation and bylaws, and shall be composed in its entirety of persons appointed by the City Council of the City of Copperas Cove, Texas.
- Section 2.02 Vacancies in the Board shall be filled by the appointment of successor Directors by the City Council.
- Section 2.03 The property and business of the Corporation shall be managed by the Board, which may exercise all powers of the Corporation and so all lawful acts.
- Section 2.04 The number of Directors shall be five (5). Directors shall serve a term which consists of three years and are eligible for re-appointment upon approval of the City Council. Directors shall be removable at any time by the City Council by official majority vote.
- Section 2.05 The annual meeting of the Board shall be held at the principal office of the Corporation to coincide with the Regular October Meeting of the Board. All other meetings may be held at the place selected within the corporate limits of the City of Copperas Cove, Texas. Every Annual, Regular, or Special Meeting of the Board of Directors shall be open to the public, except as otherwise permitted by the Constitution of the State of Texas or by the Open Meetings Act, Chapter 551, Local Government Code.
- Section 2.06 Regular meeting, other than the annual meeting, may be held at such time as shall from time to time be determined by resolution of the Board and with such notice as may be required from time to time by law.
- Section 2.07 Special meetings of the Board may be called by the Chairman on three days notice to each Director, either personally or by mail, or by electronic mail; special meetings may also be called by the Secretary in like manner on the written request of two Directors.
- Section 2.08 Written notice of the date, hour, place and subject of each meeting of the Board of Directors shall be posted at such times and in such places as prescribed by the Open Meetings Act, Chapter 551, Local Government Code, as amended.

- Section 2.09 At all meetings of the Board the presence of three Directors shall be necessary and sufficient to constitute a quorum for the transaction of business. Unless otherwise provided in these Bylaws or in the Articles of Incorporation or as required by law, the act of a simple majority of the Directors present at any meeting for which a quorum is present shall be the act of the Board of Directors. Any Director may bring to the attention of the meeting any apparent conflict of interest or potential conflict of interest of any other Director, in which case the Board shall determine whether a true conflict of interest exists before any vote shall be taken regarding that particular matter. The Director as to whom a question of interest has been raised shall refrain from voting with regard to the determination as to whether a true conflict exists. If a quorum shall not be present at any meeting of the Board, the Board present thereat may recess the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.
- Section 2.10 Public hearings required under Section 147(f) of the Internal Revenue Code, as amended, may be called and conducted by any officer or Director of the Corporation, and such officer or Director may establish the date, place, and time of the hearing and may give notice of the hearing.
- Section 2.11 All meetings of the Board shall be held within the corporate limits of the City of Copperas Cove.
- Section 2.12 The Board may, by resolution or resolutions adopted by a majority of the whole Board, establish one or more committees, each committee to consist of two or more of the Directors of the Corporation. Such committee or committees shall have such name or names, and such powers, as may be determined from time to time by resolution adopted by the Board of Directors.
- Section 2.13 The committee shall keep regular minutes of their proceedings and report the same to the Board when required.
- Section 2.14 Directors, as such, shall receive no compensation for services rendered as Directors, but shall be reimbursed for all reasonable expenses incurred in performing their duties as Directors.

ARTICLE III **NOTICES**

- Section 3.01 Whenever under the provisions of the statutes or these Bylaws, notice is required to be given to any Director, it shall not be construed to mean personal notice, but such notice may be given via telephone, in writing, by mail or electronic mail, addressed to such Director at such address as appears on the books of the Corporation and such notice shall be deemed to be given at the time when the same shall be thus mailed.
- Section 3.02 Whenever any notice is required to be given under the provisions of the statutes or of these Bylaws, a waiver thereof in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

ARTICLE IV
OFFICERS

- Section 4.01 Each year at the Annual meeting in October, the Board of Directors will organize, appointing a Chairman, Vice-Chairman, Secretary, and Treasurer.
- Section 4.02 The officers of the Corporation chosen pursuant to Section 4.01 shall serve until their successors are chosen and qualify in their stead.
- Section 4.03 The Board may appoint such other officers and agents as it shall deem necessary, who shall hold their offices for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Board.
- Section 4.04 Any officer elected or appointed by the Board may be removed at any time by the affirmative vote of a majority of the whole Board. If the office of any officer becomes vacant for any reason, the vacancy shall be filled by the Board.

The Chairman

- Section 4.05 The Chairman shall preside at all meetings of the Directors.
- Section 4.06 The Chairman shall be an ex officio member of all standing committees, shall have a general supervision of the management of the business of the Corporation, and shall see that all orders and resolutions of the Board are carried into effect.
- Section 4.07 The Chairman shall execute bonds, mortgages, and other contracts requiring a seal, under the seal of the Corporation, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly delegated by the Board to some other officer or agent of the Corporation.

The Vice-Chairman

- Section 4.08 The Vice-Chairman, in the absence or disability of the Chairman, performs the duties and exercises the powers of the Chairman and shall perform such other duties as the Board shall prescribe.

The Secretary

- Section 4.09 The Secretary shall attend all sessions of the Board and cause to be recorded all votes and the minutes of all proceedings in a book to be kept for that purpose and shall perform like duties for the standing committee when required. The Secretary shall give, or cause to be given, notice of all special meetings of the Board and shall perform other such duties as may be prescribed by the Board or the Chairman, under whose supervision the Secretary shall be. The Secretary shall keep in safe custody the seal of the Corporation and, when authorized by the Board, affix the same to any instrument requiring it, and when so affixed, it shall be required as to instruments executed in the course of ordinary business the Secretary shall attest to the signature of the Chairman or Vice-Chairman and shall affix the seal hereto.

The Treasurer

- Section 4.10 To the extent not otherwise provided by the Board, by rules or regulation, in resolutions relating to the issuance of bonds, or in any financing documents relating to such issuance, the Treasurer shall have the custody of the Corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation and shall deposit all moneys and other valuable effects in the name and to the credit of the Corporation in a depository previously selected and secured as provided for under law for municipal funds. The Treasurer shall disburse the funds of the Corporation as may be ordered by the Board, taking proper vouchers for such disbursements, and shall render to the Chairman and Directors, at the regular meetings of the Board, or whenever they may require it, an account of all transactions as Treasurer and of the financial condition of the Corporation.
- Section 4.11 The Board may require the Chairman, Vice-Chairman, the Secretary, and the Treasurer to give the Corporation bond in such sums and with such surety or sureties as shall be satisfactory to the Board for the faithful performance of the duties of their office and for the restoration of the Corporation, in case of death, resignation, retirement, or removal from office, of all books, papers, vouchers, money and other property of whatever kind in their possession or under their control belonging to the Corporation.
- Section 4.12 The provisions of the Texas Uniform Facsimile Signature of Public Officials Act shall be applicable to the Corporation, which is duly constituted instrumentality of the City of Copperas Cove, Texas, a political subdivision of the State of Texas.
- Section 4.13 All members of the Board of Directors shall be required to attend the Basic Economic Development Course (BEDC) at an acceptable institution of higher learning within 12 months of the initial appointment date to the Board. An acceptable alternative course that would meet the BEDC's curriculum requirements may be substituted with approval in advance by a majority vote of the other Board members. If because of scheduling requirements or no course vacancies are available, one six-month extension period to the requisite may be granted by a majority vote of the Board. Otherwise, if this prerequisite is not met with the prescribed time frame, the non-complying Board member's position shall be declared vacant by the Board within thirty days of the end of the prescribed period.
- Section 4.14 Regular attendance at the Board meeting is required of all Board members. No Director shall miss three consecutive meetings without being excused by the remaining Directors or have attendance reflecting unexcused absences constituting fifty percent (50%) of the regularly scheduled meetings over any twelve month period. In the event replacement is indicated, the Director will be counseled by the Chairman and, subsequently, the Chairman shall submit, in writing, to the City Secretary, a statement informing City Council of the need to replace the Director in question. The office shall be declared vacant and filled in accordance with these Bylaws.

Section 4.15 The City Manager or designee or the City Council designee may attend all meetings of the Board of Directors, including executive, private or public. These representatives shall not have the power to vote in the meetings they attend. Their attendance shall be for the purpose of ensuring that information about the meetings is accurately communicated to the City Council and to satisfy the City Council obligation to control the powers of the Corporation.

ARTICLE V
FISCAL PROVISIONS

Section 5.01 No dividends shall ever be paid by the Corporation and no part of its net earning remaining after payment of its expenses shall be distributed to or inure to the benefit of its Directors or officers or any individual, firm, corporation, or association, except that in the event the Board of Directors shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the Corporation, then any net earnings, of the Corporation thereafter accruing shall be paid to the City of Copperas Cove, Texas.

Section 5.02 The Board shall have prepared for each annual meeting a full and clear statement of the business and condition of the Corporation. The Corporation shall be audited annually and the audit shall be presented to City Council for their review. The Corporation shall also periodically submit, at the request of City Council, a report containing unaudited financial status and other significant activities of the Corporation.

Section 5.03 All checks or demands for money and notes of the Corporation shall be signed by such officers as the Board may from time to time designate, provided that in no event shall a check be negotiable until it is signed by at least two officers.

Fiscal Year

Section 5.04 The fiscal year shall be from October 1 to September 30 each year.

Section 5.05 The Executive Director shall, 60 days prior to the beginning of each fiscal year, prepare and submit to the Board of Directors a proposed budget for the fiscal year. The budget shall provide a plan for a program of activities. It shall also include a budget message, explain any major changes in fiscal policy, and any notable changes from the current budget in expenditure and revenue items. It shall also show revenues and expenditures to date for the current year. The proposed budget shall also provide a list of estimated revenue sources and proposed expenditures by fund and category. It shall also show a schedule of any debt owed by the Corporation and the requirements for the repayment of all debt by issue or class. The budget shall also include a category for Capital Projects, if proposed, that is within the operating budget. Capital Projects shall have a summary of proposed programs along with financing methods, cost estimates and an initial time schedule, if available, for each improvement.

**Fiscal Policy for Maintaining Adequate Level of Reserves
in Corporation's Operating Fund and Other Funds**

- Section 5.06 The Corporation shall maintain unencumbered cash reserves equivalent to three (3) months expenditures for the Operating Fund. This twenty-five (25) percent designated reserve shall be based on the approved Operating Fund Budget for that year. Any long-term debt shall have at least a three (3) month reserve or whatever is required by bond ordinance or instrument. Unencumbered cash reserves in excess of the recommended amounts may be moved by Board action to the Capital Projects Fund. The Capital Projects Funds may be used in a manner prescribed by the Board for a major capital outlay, capital improvement, land acquisition, or other items allowed by Texas Law. Disbursement from the Capital Project Fund shall be by budget appropriation. Funds may also be transferred from the Capital Project Fund to the Operating Fund Reserve when the level of reserve falls below minimum levels with approval of the Board of Directors.
- Section 5.07 The Executive Director shall be authorized to complete line item transfers within the Budget, without increasing the total Budget. These line item transfers will be completed by Budget Reallocation, as needed, and will be presented to the Board for approval. Estimated expenditures shall not exceed estimated resources. If at any time the Budget needs to be amended through an increase, a majority vote of the Board of Directors and approval of City Council will be required.
- Section 5.08 Temporary and idle funds which are not needed for immediate obligations of the Corporation may be invested in any legal manner provided by state law.

**ARTICLE VI
OFFICES**

- Section 6.01 The principal office of the Copperas Cove Economic Development Corporation (the "Corporation") shall be at 210 South First Street, Copperas Cove, TX , 76522.

ARTICLE VII

- Section 7.01 These Bylaws are not in force until approved by the City Council of the City of Copperas Cove, Texas.
- Section 7.02 These Bylaws may be altered, changed, or amended at any meeting of the Board at which a quorum is present, provided notice of the proposed alteration, change, or amendment be contained in the notice of such meeting by the affirmative vote of a majority of the Directors at such meeting and present thereat, but the altered, changed, or amended Bylaws are not in force until approved by the City Council.

APPROVED:

Date

Date

Chairman, CCEDC

Mayor

ATTEST:

Date

Date

Secretary, CCEDC

City Secretary

**CITY OF COPPERAS COVE
CITY COUNCIL WORKSHOP MEETING MINUTES
October 26, 2009 – 6:00 P.M.**

A. CALL TO ORDER

Mayor John Hull called the workshop meeting of the City Council of the City of Copperas Cove Texas to order at 6:00 p.m.

B. ROLL CALL

John Hull
Cheryl L. Meredith
Charlie D. Youngs
Chuck Downard
Danny Palmer - Absent
Bill L. Stephens - Absent
Willie C. Goode
Frank Seffrood

Andrea M. Gardner, City Manager
Charles E. Zech, City Attorney
Jane Lees, City Secretary

C. WORKSHOP ITEMS

1. Discussion of the ICC Family of Codes. **Mike Baker, Fire Chief/Mike Morton, Chief Building Official**

Fire Chief, Mike Baker, gave an overview of the ICC Family of Codes. A PowerPoint presentation was given and made a part of these minutes.

2. Provide direction to City staff regarding the ICC Family of Codes. **Andrea M. Gardner, City Manager.**

City Council discussed the formation of the ICC Family of Codes Committee, the number of members to be appointed, and whether or not a Council Member would be appointed.

D. ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 6:27 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

City of Copperas Cove Council Workshop



ICC Codes

October 26, 2009

Update

- **What are CODES**
- **Ad-hoc Committee Appointments**
- **Time Line and Scope**
- **Codes List**
- **Financial Impact**



CODES

- Codes are the **MINIMUM Acceptable Standard Adopted by Policy**
- **Any deviation means lowering our standard**
- **Trade offs are allowed of Equal Value**
- **SAFETY of our Citizens is Priority One**





Committee Appointments

- 19 applications received
- Mixture of Trades, Stakeholders and Citizens
- Maximum of 7 plus One Council Member if desired



Scope of Work

- Review ICC Codes Applicable to COCC
- Staff to Provide Subject Matter Expertise
- Make Recommendations on Local Addendums
- Create Final Recommendations to Council

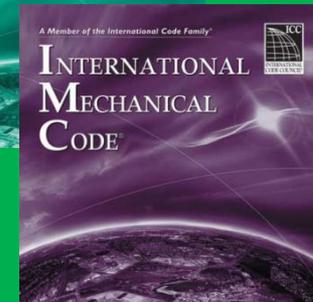
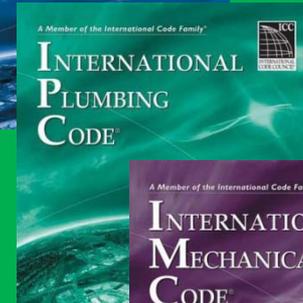
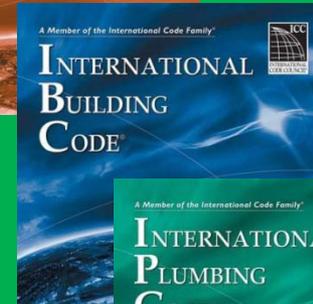
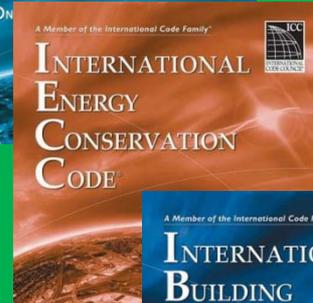
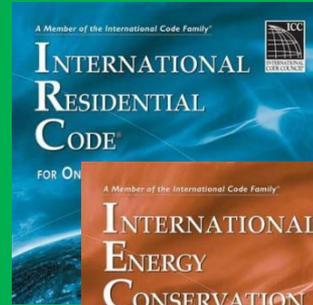


Timeline

- **Expected work time 6 to 9 months**
- **Mid–Term report to Council if needed**
- **Workshop to explain final recommendations**
- **Public Meeting(s) for Citizen input**
- **Effective date of enforcement 6 months after adoption**
- **Education of developers and staff during waiting period**

CODES

- BUILDING
- RESIDENTIAL
- FIRE
- MECHANICAL
- PLUMBING
- FUEL GAS
- ENERGY
- EXISTING BUILDING
- PROPERTY MAINTENANCE
- NATIONAL ELECTRICAL CODE



Financial Impact

- **DIRECT COSTS**
 - Cost of New Codes
 - Cost of Training Staff
 - Cost to Developers – Passed on to Owners
- **INDIRECT COSTS**
 - Could lose ISO PPC and BCEGS ratings
 - Lower minimum standard
 - Deferring safety for profit



QUESTIONS



**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
October 26, 2009 – 7:00 P.M.**

A. CALL TO ORDER

Mayor John Hull called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Seffrood gave the Invocation and Mayor Hull led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

John Hull
Cheryl L. Meredith
Charlie D. Youngs
Chuck Downard
Danny Palmer - Absent
Bill L. Stephens - Absent
Willie C. Goode
Frank Seffrood

Andrea M. Gardner, City Manager
Charles E. Zech, City Attorney
Jane Lees, City Secretary

D. ANNOUNCEMENTS

Mayor Hull wished Marty Smith, Chamber President, a Happy Birthday!

Ms. Gardner announced that Police Chief, Tim Molnes, was honored by Mt. Hiram Masonic Lodge as the "Officer of the Year."

E. PUBLIC RECOGNITION

1. Proclamation: Breast Cancer Awareness Week, October 26-31, 2009. **John Hull, Mayor**

Mayor John Hull read the proclamation and presented it to Steve Wright, Firefighter/Paramedic in the Copperas Cove Fire Department. Mr. Wright thanked the Council for the proclamation and said that the Fire Department will be wearing special shirts which will help raise breast cancer awareness to all they come in contact with this week.

F. CITIZENS' FORUM At this time, citizens will be allowed to speak for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Ralph Sherrouse, 610 North 13th Street. Mr. Sherrouse said that he would like the Council to look into quiet zones at railroad crossings. Ms. Gardner told Mr. Sherrouse that the Council did discuss this subject in April or May of 2009 and access to those meetings are available on the City's website.

G. CONSENT ITEMS

1. Consideration and action on approving the minutes from the special council meeting on October 8, 2009. **Jane Lees, City Secretary**

2. Consideration and action on approving the minutes from the workshop council meeting on October 13, 2009. **Jane Lees, City Secretary**

3. Consideration and action on approving the minutes from the regular council meeting on October 13, 2009. **Jane Lees, City Secretary**

4. Consideration and action on a notice of intent, authorizing and supporting the City Manager to apply for, accept, reject, alter or terminate an Energy Efficiency and Conservation Block Grant (EECBG), being administered through the Comptroller's State Energy Conservation Office (SECO). **Tim Molnes, Police Chief**

5. Consideration and action on a resolution authorizing and supporting the City Manager to apply for, accept, reject, alter or terminate an Energy Efficiency and Conservation Block Grant (EECBG), being administered through the Comptroller's State Energy Conservation Office (SECO). **Tim Molnes, Police Chief**

The resolution caption is as follows:

RESOLUTION NO. 2009-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) AND AUTHORIZING THE CITY MANAGER TO ACT ON THE CITY'S BEHALF TO ADMINISTER THE GRANT, AND PLEDGING THAT THE CITY OF COPPERAS COVE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE EECBG.

6. Consideration and action on authorizing the City Manager to execute a Sales Contract between the City of Copperas Cove and Dailey-Wells Communications, Inc., for the purpose of renewing a maintenance contract, renewing a software contract and replacing dispatch consoles for the City's 800 MHz EDACS Radio Trunking System manufactured by M/A-Com. **Mike Baker, Fire Chief**

7. Consideration and action on authorizing the City Manager to exercise the option to renew a one year extension to the current Agreement with the Copperas Cove Athletic Officials Association to provide sports officiating for recreational sports with the Parks and Recreation Department. **Ken Wilson, Director of Community Services**

8. Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year End September 30, 2008. **Wanda Bunting, Director of Financial Services**

9. Financial Report for the Month ended August 31, 2009. **Wanda Bunting, Director of Financial Services**

10. Report of activities, collections and costs associated with the opening of the Transfer Station on Saturdays during FY 2008-09. **Michael Mundell, Superintendent of Solid Waste**

11. Consideration and action approving the purchase of furniture for the new police facility. **Tim Molnes, Police Chief**

12. Consideration and action approving the purchase of the communications, security and data package for the new police facility. **Tim Molnes, Police Chief**

Council Member Downard made a motion to approve consent agenda items G-1 through G-12 as presented. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1. Public hearing and action on an ordinance amending the overall budget for the active Capital Improvement Project Funds for the City of Copperas Cove. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, gave an overview of agenda item H-1.

Mayor Hull opened the public hearing at 7:13 p.m.

Ralph Sherrouse, 610 North 13 th Street. Mr. Sherrouse requested background information and Ms. Bunting provided a summary of the projects.

Speaking for: None.

Speaking Against: None.

Mayor Hull closed the public hearing at 7:17 p.m.

Council Member Meredith made a motion to approve Ordinance No. 2009-40 as presented. Council Member Downard seconded the motion, and with a unanimous vote, motion carried.

The ordinance caption is as follows:

ORDINANCE NO. 2009-40

AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR THE ACTIVE CAPITAL IMPROVEMENT PROJECT FUND BUDGETS; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS

ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

2. Public Hearing on an ordinance amending the 2009-10 fiscal year budget for the City of Copperas Cove. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, gave an overview of agenda item H-2.

Mayor Hull opened the public hearing at 7:19 p.m.

Speaking Against:

Roger O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer said that the numbers of heads in beds reported by various organizations did not seem to justify the money that is given to those organizations by the City. He stated that this was not an economical use of money by the City.

Speaking for:

Betty Price, 749 Armadillo Lane. Ms. Price said that the CHAMPS organization does know how many beds are booked in Copperas Cove for their annual event. Approximately 75 percent of hotel rooms in the City are filled with people attending CHAMPS during that weekend.

Marty Smith, President, Copperas Cove Chamber of Commerce & Visitor's Center. Ms. Smith said that the Chamber co-sponsors the CHAMPS event and they definitely do have a count of heads in beds.

Ralph Sherrouse, 610 North 13th Street. Mr. Sherrouse asked for clarification on hotel/motel tax and use of those funds. A summary was given by Ms. Gardner and Mr. Zech.

Mayor Hull closed the public hearing at 7:28 p.m.

The ordinance caption is as follows:

ORDINANCE NO. 2009-41

AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING ON SEPTEMBER 30, 2010; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

3. Public hearing, consideration and action regarding the Petition for Annexation submitted by the Lampasas Independent School District. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, gave an overview of agenda item H-3.

Mayor Hull opened the public hearing at 7:30 p.m.

Speaking for: Roger O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer asked if there were any plans to install a traffic light at the intersection of Highway 190 and Big Divide Road. Ms. Gardner said that it has been discussed with TxDOT and that they do have intentions of placing a traffic light at that intersection.

Speaking Against: None.

Mayor Hull closed the public hearing at 7:33 p.m.

Council Member Youngs made a motion to approve agenda item H-3 as presented. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

I. ACTION ITEMS

1. Consideration and action on establishing an ICC Code Review Committee and appointing citizen members to serve on the committee. **Mike Baker, Fire Chief**

Mike Baker, Fire Chief, gave an overview of agenda item I-1.

Council Member Goode made a motion to appoint the following individuals to the ICC Code Review Committee:

Gene Dane
Michele Williams
Terry Neiman
Ben Akinson
Paul Russell
Michael A. McDonnell
Samuel Banks

The motion was seconded by Council Member Seffrood.

After further discussion, a motion to amend the main motion was made by Council Member Goode to add one additional individual, Betty Price, for a total of eight on the Committee. The motion was seconded by Council Member Seffrood.

A vote on the amending motion to add Betty Price was unanimous.

A vote on the main motion which included all eight applicants named, carried unanimously.

2. Discussion to provide direction to the City Manager regarding the Indoor Recreation Grant awarded to the City in January 2008 by the Texas Parks and Wildlife Department. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager gave an overview of agenda item I-2.

Council Member Youngs made a motion to "reduce the scope of the original project." Council Member Meredith seconded the motion, and with a unanimous vote, motion failed.

Council Member Youngs made a motion to “decline the grant and return the money to TPWD.” Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on a resolution adopting tax abatement guidelines and criteria pursuant to the Property Redevelopment and Tax Abatement Act of the Texas Tax Code, Chapter 312 and providing an effective date. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-3.

Council Member Youngs made a motion to approve Resolution No. 2009-50 as presented. Council Member Seffrood seconded the motion.

After discussion, Mr. Zech said that Section K should be deleted in its entirety.

Council Member Youngs made a motion to amend the main motion to delete Section K. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

During additional discussion, Council Member Downard stated that the new application fee of \$1,500 was stated correctly in the guidelines, however, the application itself still had the old application fee listed of \$250. Mr. Zech said that this was typographical error and could be corrected without additional motions.

A vote on the main motion was unanimous.

The resolution caption is as follows:

RESOLUTION NO. 2009-50

A RESOLUTION ADOPTING TAX ABATEMENT GUIDELINES AND CRITERIA PURSUANT TO THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT OF THE TEXAS TAX CODE, CHAPTER 312 AND PROVIDING AN EFFECTIVE DATE.

4. Discussion and possible action on establishing a date to hold a public hearing and designation of a reinvestment zone for purposes of granting tax abatement per the Texas Property Tax Code. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-4.

Mr. Mike Beavers of Belton, stated that a reinvestment zone area is an area that the City wishes to develop and stimulate activity. Applications can be considered on a case by case basis and he was not aware of any activity that would set a precedent for projects that come before or after another. He said that the purpose was to identify an area that would help developers know if they are eligible.

No action taken on this item.

5. Consideration and action on award of Bid No. 2009-16-42 to Visual Inovations for the purchase of audiovisual equipment for the new police facility. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief, gave an overview of agenda item I-5.

Council Member Goode made a motion to award Bid No. 2009-16-42 to Visual Inovations in the amount of \$135,645.84. Council Member Downard seconded the motion, and with a unanimous vote, motion carried

6. Discussion on legal services provided to the City of Copperas Cove. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-6.

Council Member Goode stated that it was his intent for the Council to look at whether hiring a full-time attorney or a contract attorney would be better for the City. He said he would like that discussion to take place with the full Council present.

Council Member Goode made a motion to postpone this item to a future date when the full council is present. Council Member Downard seconded the motion. A roll call vote was taken as follows:

Willie C. Goode	Aye
Frank Seffrood	Aye
Cheryl L. Meredith	Aye
Charlie D. Youngs	Nay
Chuck Downard	Aye

Motion carried four to one.

J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS

1. Chamber of Commerce 3rd Quarter Report for CY 2009. **Marty Smith, President, Copperas Cove Chamber of Commerce**

Marty Smith, President, Chamber of Commerce, presented the 3rd quarter report for CY 2009. In addition, Ms. Smith announced the Carson & Barnes Circus at Ogletree Gap Park on November 4, 2009. Showtimes are at 4:30 and 7:30 p.m. and tickets are available at the Chamber of Commerce.

2. Copperas Cove Country Opry 4th Quarter Report for FY 2008-09. **William K. Hall, Copperas Cove Country Opry**

William K. Hall, Copperas Cove Country Opry, presented the 4th quarter report to the Council.

3. Update on CCEDC digital sign. **Dan Yancey, Chairman, CCEDC Board**

Dan Yancey, Chairman of the CCEDC Board gave an update on the CCEDC digital sign. His report included the history behind the sign, original location plans, added value to the sign by

increasing space for other promotions within the City, the various locations for placement of the sign and the process that the CCEDC is now working on for approval of the chosen first choice location with TxDOT. Mr. Yancey supplied the Council with a digital sign timeline and a summary of the license application permitting process.

K. ITEMS FOR FUTURE AGENDAS – None.

L. EXECUTIVE SESSION

M. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

N. ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 8:34 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

City of Copperas Cove

City Council Agenda Item Report

November 3, 2009

Agenda Item H-1

Contact – Wanda Bunting, Director of Financial Services, 547-4221
wbunting@ci.copperas-cove.tx.us

SUBJECT: Public Hearing and action on an ordinance amending the 2009-10 fiscal year budget for the City of Copperas Cove.

1. BACKGROUND/HISTORY

The 2009-10 budget was adopted on September 15, 2009, with a budget amendment approved on October 13, 2009. According to Section 6.16(b)(1) of the Copperas Cove City Charter, in order for the City Council to amend the 2009-10 budget, it must first hold a public hearing on the proposed amendments. The Charter also provides a requirement that when fund balance is to be used to fund increases in expenditures that two public hearings be held. The proposed budget amendment will require the use of fund balance. The public hearing will be the second of two public hearings held as required by the Charter. The first Public Hearing was held on October 26, 2009.

2. FINDINGS/CURRENT ACTIVITY

The Hotel Occupancy Tax Fund has a request from C.H.A.M.P.S. for an increase of \$10,000 in expenditure appropriations for the Heart of Texas Bowl. The increase would provide for an increase in advertising for the event and would house the college teams for two nights each at our local hotels.

The increase to the Hotel Occupancy Tax Fund expenditure appropriation budget will maintain a positive fund balance due to additional revenue earned in excess of \$20,000 above the FY 2008-09 projected amount. Additionally, the extension of total nights required for stay is expected to generate additional hotel occupancy tax revenue.

3. FINANCIAL IMPACT

See attached ordinance and proposed amendments.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council hold a public hearing and approve Ordinance No. 2009-41, amending the fiscal year 2009-10 Budget.

ORDINANCE NO. 2009-41

AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING ON SEPTEMBER 30, 2010; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, The City Council desires to amend the operating budget of the municipal government of the City of Copperas Cove for the fiscal year October 1, 2009 to September 30, 2010; and

WHEREAS, Said budget amendments have been submitted to the City Council by the City Manager in accordance with the City Charter; and

WHEREAS, Public notices of public hearings upon this budget have been duly and legally made as required by City Charter and law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE:

SECTION I.

That the City Council of the City of Copperas Cove ratify, approve and adopt the amendments to the budget considered for the fiscal year of October 1, 2009 to September 30, 2010, as identified in "Attachment A" of this ordinance.

SECTION II.

That all ordinances for which provision has heretofore been made are hereby expressly repealed if in conflict with the provisions of this ordinance.

SECTION III.

That should any part, portion, or section of this ordinance be declared invalid or inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way affect the remaining portions, parts, or sections or parts of section of this ordinance, which provisions shall be, remain and continue to be in full force and effect.

SECTION IV.

That this ordinance shall take effect and be in full force and effect from and after its passage and publication according to law.

PASSED, APPROVED AND ADOPTED this 3rd day of November 2009, at a regular called meeting of the City Council of the City of Copperas Cove, Texas, which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code* 551.001, et.seq., at which meeting a quorum was present and voting.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha
& Bernal, P.C., City Attorney



America's Drug Free Productions, Inc.

2846 Tonkawa Road
Copperas Cove, TX 76522
(254)547-8366

October 6, 2009

Dear Mrs. Gardner,

The C.H.A.M.P.S. Heart of Texas Bowl is extremely appreciative of the monies the City of Copperas Cove expends towards making the bowl game a success. The bowl committee would like to increase the advertising for the event and would like to house the college teams for two nights each at our local motels. We are requesting an amendment to the budget. Currently, the City of Copperas Cove provides twenty thousand dollars. The C.H.A.M.P.S. Heart of Texas Bowl is requesting an additional ten thousand dollars.

Thank you for your consideration. The C.H.A.M.P.S. Heart of Texas Bowl is committed to provide a quality national junior college football bowl game to the community of Copperas Cove.

Respectfully,

Jack Welch
C.H.A.M.P.S. Heart of Texas Bowl

RECEIVED
10-6-09

NOTICE OF PUBLIC HEARING

On November 3, 2009, during a Regular City Council Meeting, the City Council of the City of Copperas Cove will hold a public hearing on the ordinance to amend the FY 2009-10 Budget for the City of Copperas Cove. The November 3, 2009 City Council Meeting will begin at 7:00 pm and will be held in the City Council Chambers at City Hall, 507 South Main Street, Copperas Cove, Texas 76522.

The proposed amendments to the FY 2009-10 Annual Budget are as follows:

	Increase (Decrease)
Hotel Occupancy Tax Fund	
Expenditure Appropriations	\$ 10,000

City of Copperas Cove

City Council Agenda Item Report

November 3, 2009

Agenda Item No. I-1

Contact – Silvia Rhoads, Executive Director, Keep Copperas Cove Beautiful, 547-4242
srhoads@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on appointment of new members to the Keep Copperas Cove Beautiful Commission.

1. Background/History

During a regular council meeting on September 17, 2002, Ordinance 2002-20 was approved allowing the formation of the Keep Copperas Cove Beautiful Commission. The commission allows for 15 members to be approved by the City Council. According to KCCB by-laws, the term of each Commission member shall be two (2) years.

2. FINDINGS/CURRENT ACTIVITY

During the Regular City Council Meeting on August 18, 2009, two (2) members were appointed by the City Council bringing the total on the commission to 12. Since that date, one (1) member resigned for health reasons. Thus, the Keep Copperas Cove Beautiful Commission is seeking to fill one vacancy. With Council approval on the appointment the number of vacant seats on the commission will be three (3).

The following individual is seeking appointment to the Keep Copperas Cove Beautiful Commission: Alan Weavodou

Keep Copperas Cove Beautiful will continue to seek new members to fill the remaining three (3) positions.

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council appoint the following individual to the Keep Copperas Cove Beautiful Commission: Alan Weavodou.

Candidate Application for City Council-Appointed Boards & Commissions

Applications will be reviewed as vacancies arise. Information disclosed on this application or any other attached document may be disclosed in public meetings. Please print clearly.



Please attach your resume (optional).

Board Preference 1: Keep Copperas Cove Beautiful

Board Preference 2: Animal Control Advisory Board

Name: Alan Edward Wevodan

Street Address: 2102 Isabelle Drive Copperas Cove TX 76522

City Resident: 71 years Personal E-Mail: alan.wevodan@yahoo.com

Primary Phone: (254) 554-1549 Home Fax: _____

Profession: Leaving the Army after 8 years

Business Name: _____

Business Address: _____

City: _____ State _____ Zip: _____

Business Phone: _____ Business Fax: _____

Business E-Mail: _____

Experience or Special Knowledge applicable to City board or commission function:

I was the President of the Non Commissioned Officers Association for over 2 years. We were community based and volunteered to assist families, friends and deployed soldiers, financially, physically and socially. Hosted events for the community and started scholarships for students.
Civic Activities/Professional Affiliations _____

I verify that the information I have provided in this application to be true and correct. I also understand that this information may be made available to the public.

Alan Wevodan
Signature

24 Sept 2009
Date

Please return completed application and resume to:
City Secretary's Office, City Hall
507 S. Main Street, Copperas Cove, Texas
Phone: (254) 547-4221



City of Copperas Cove

City Council Agenda Item Report

November 3, 2009

Agenda Item No. I-2

Contact – Andrea M. Gardner, City Manager, 254-547-4221
agardner@ci.copperas-cove.tx.us

SUBJECT: Discussion and possible action on establishing a date to hold a public hearing and designation of a reinvestment zone for purposes of granting tax abatement per the Texas Property Tax Code.

1. BACKGROUND/HISTORY

At the June 16, 2009 Regular Council Meeting, the City Council provided direction to the Copperas Cove Economic Development Corporation, CCEDC, to form a committee to create economic development guidelines and criteria for tax abatement.

During on a workshop held on September 1, 2009, the CCEDC presented the City Council with recommended economic development guidelines and criteria for tax abatement. The Council directed City staff to schedule a workshop for the first meeting in October 2009 to discuss the tax abatement guidelines and criteria to allow Council an opportunity to complete a thorough review of the submitted recommendation.

A workshop was conducted on October 13, 2009 to discuss tax abatement guidelines and criteria, Property Tax Code 312 and the steps required to become eligible to participate in tax abatement. Council provided feedback and direction to City staff regarding proposed changes to the tax abatement guidelines and criteria previously presented by the CCEDC on September 1, 2009. Furthermore, during the regular meeting of the governing body, City Council approved Resolution 2009-45, expressing the taxing unit's intent to become eligible to participate in tax abatement.

2. FINDINGS/CURRENT ACTIVITY

As set forth by §312.201(d) of the Texas Property Tax Code, "the governing body may not adopt an ordinance designating an area as a reinvestment zone until the governing body has held a public hearing on the designation (see attached proposed timeline) and has found that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the municipality after the expiration of an agreement entered into under Section 312.204 or 312.211, as applicable." §312.201(d) further requires "Not later than the seventh day before the date of the hearing, notice of the hearing must be: (1)

published in a newspaper having general circulation in the municipality; and (2) delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.”

Attached for Council consideration and discussion is a copy of the proposed area to designate as a “reinvestment zone” as provided by Walker Partners on behalf of the Copperas Cove Economic Development Corporation.

Further items for potential discussion by the governing body include requirements found in §312.204(b) that reads, “The agreements made with the owners of property in a reinvestment zone must contain identical terms for the portion of the value of the property that is to be exempt and the duration of the exemption.”

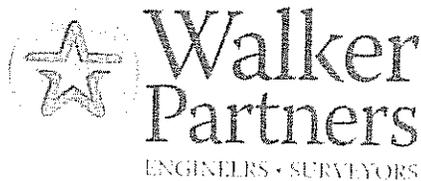
After the October 26, 2009 Council Meeting, an application and check for \$1,500 was received from Canyon Creek Developers LLC, dba Stoney Brook of Copperas Cove. The City Council had determined at the October 26, 2009 Council Meeting to defer establishing reinvestment zone(s), but rather to review each application on a case-by-case basis.

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends the City Council discuss establishing a date for holding a public hearing preceding the designation of a “reinvestment zone.”



**REINVESTMENT ZONE NO. 1
LOCATED IN THE WM. P. HARDEMAN SURVEY, ABSTRACT 454
AND THE RICHARD HALLMARK SURVEY, ABSTRACT 466
IN THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS**

DESCRIPTION OF AN APPROXIMATE 125 ACRE TRACT OF LAND LOCATED IN THE WM. P. HARDEMAN SURVEY, ABSTRACT 454, AND THE RICHARD HALLMARK SURVEY, ABSTRACT 466, IN THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS AND BEING A PORTION OF A CALLED 92.780 ACRE TRACT DESCRIBED IN A DEED TO THE COPPERAS COVE INDUSTRIAL FOUNDATION, INC. RECORDED IN VOLUME 460, PAGE 752 OF THE DEED RECORDS OF CORYELL COUNTY, TEXAS (D.R.C.C.T.) AND A PORTION OF A CALLED 87.21 ACRE TRACT DESCRIBED AS "TRACT THREE - EXHIBIT C" IN A DEED TO THE COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION, A TEXAS CORPORATION RECORDED UNDER CORYELL COUNTY CLERK'S DOCUMENT (C.C.C.D.) 190990 OF THE OFFICIAL PUBLIC RECORDS OF CORYELL COUNTY, TEXAS (O.P.R.C.C.T.). SAID 125 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF MARTIN LUTHER KING, JR. BOULEVARD, BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 1, NAUERT ADDITION, 7TH EXTENSION, RECORDED IN VOLUME 2, PAGE 34 OF THE PLAT RECORDS OF CORYELL COUNTY, TEXAS (P.R.C.C.T.), SAME BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 1, COPPERAS COVE 190 BUSINESS & INDUSTRIAL PARK, PHASE FOUR RECORDED CABINET A, SLIDE 320 OF THE P.R.C.C.T.;

THENCE S 72°42'28" E - 396.75' WITH THE SOUTH RIGHT-OF-WAY LINE OF MARTIN LUTHER KING, JR. BOULEVARD, SAME BEING THE NORTH LINE OF SAID LOT 1, BLOCK 1, COPPERAS COVE 190 BUSINESS & INDUSTRIAL PARK, PHASE FOUR TO A POINT FOR THE NORTHWEST CORNER OF LOT 1, BLOCK 2, COPPERAS COVE 190 BUSINESS & INDUSTRIAL PARK, PHASE TWO RECORDED IN CABINET A, SLIDE 369 OF THE P.R.C.C.T.;

THENCE WITH THE SOUTH RIGHT-OF-WAY LINE OF MARTIN LUTHER KING, JR. BOULEVARD AS SHOWN ON THE PLAT OF COPPERAS COVE 190 BUSINESS & INDUSTRIAL PARK, PHASE TWO RECORDED IN CABINET A, SLIDE 369 OF THE P.R.C.C.T. THE FOLLOWING SIX CALLS:

- 1) **S 72°42'28" E - 455.87'** TO A POINT,
- 2) **S 72°42'28" E - 71.64'** TO A POINT
- 3) **AN ARC DISTANCE OF 105.55'** WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 370.00' AND A CHORD BEARING AND DISTANCE OF **S 64°32'06" E - 105.20'** TO A POINT OF TANGENCY,
- 4) **S 56°21'44" E - 110.29'** TO A POINT OF CURVATURE,
- 5) **AN ARC DISTANCE OF 33.53'** WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00' AND A CHORD BEARING AND DISTANCE OF **S 08°20'14" E - 29.74'** TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF CONSTITUTION DRIVE;
- 6) **S 59°20'44" E - 80.00'** TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF CONSTITUTION DRIVE;

THENCE N 36°58'46" E - 98.1' (CALCULATED BEARING AND DISTANCE) CROSSING MARTIN LUTHER KING, JR. BOULEVARD TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF CONSTITUTION DRIVE AT A WESTERLY CORNER OF LOT 2B, BLOCK 1, COPPERAS COVE 190 BUSINESS & INDUSTRIAL PARK, PHASE TWO RECORDED IN CABINET B, SLIDE 640 OF THE P.R.C.C.T.;

THENCE N 33°38'16" E - 149.01' WITH THE EAST RIGHT-OF-WAY LINE OF CONSTITUTION DRIVE TO THE MOST WESTERLY COMMON CORNER OF LOTS 2B AND 2C OF SAID BLOCK 1, COPPERAS COVE 190 BUSINESS & INDUSTRIAL PARK, PHASE TWO;

THENCE S 71°14'55" E - 348.87' LEAVING SAID LINE OF CONSTITUTION DRIVE WITH THE COMMON LINE OF SAID LOTS 2B AND 2C TO THE MOST EASTERLY COMMON CORNER OF LOTS 2B AND 2C;

THENCE N 42°25'59" E - 196.8' (CALCULATED DISTANCE) WITH THE SOUTHEAST LINE OF SAID LOT 2C TO A POINT AT THE MOST NORTHERLY CORNER OF THE ABOVE MENTIONED CALLED 87.21 ACRE TRACT DESCRIBED AS "TRACT THREE - EXHIBIT C" IN A DEED TO THE COPPERAS COVE ECONOMIC DEVELOPMENT

CORPORATION, A TEXAS CORPORATION RECORDED UNDER C.C.C.D. 190990 OF THE O.P.R.C.C.T. FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE EAST LINE OF THE SAID 87.21 ACRE TRACT, SAME BEING THE EXISTING COPPERAS COVE CITY LIMIT LINE THE FOLLOWING SEVEN CALLS:

- 1) AN ARC DISTANCE OF 1598.49' WITH A CURVE TO THE LEFT HAVING A RADIUS OF 5069.65' AND A CHORD BEARING AND DISTANCE OF S 29°16'17" W - 1591.88 TO A POINT OF TANGENCY,
- 2) S 20°14'03" W - 782.83' TO A POINT,
- 3) S 57°44'38" W - 83.86' TO A POINT,
- 4) S 20°31'31" W - 197.08' TO A POINT,
- 5) S 32°19'40" E - 65.46' TO A POINT,
- 6) S 20°16'06" W - 955.82' TO A POINT OF CURVATURE,
- 7) AN ARC DISTANCE OF 2102.31' WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 3639.72' AND A CHORD BEARING AND DISTANCE OF S 51°15'36" W - 2073.21 TO A POINT FOR THE MOST SOUTHERLY CORNER OF THE 87.21 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE WITH THE WEST LINE OF THE SAID 87.21 ACRE TRACT THE FOLLOWING TWO CALLS:

- 1) N 17°33'57" E - 602.49' TO A POINT,
- 2) N 14°48'30" E - 1741.02' TO A POINT FOR AN ANGLE POINT IN THE WEST LINE OF THE 87.21 ACRE TRACT;

THENCE N 15°18'45" E - 115.09' CONTINUING WITH THE WEST LINE OF THE SAID 87.21 ACRE TRACT AS CITED IN A DEED DESCRIBING A CALLED 7.098 ACRE TRACT TO TXU ELECTRIC DELIVERY COMPANY, A TEXAS CORPORATION RECORDED UNDER C.C.C.D. 203668 OF THE O.P.R.C.C.T. TO A POINT FOR THE SOUTHWEST CORNER OF THE 7.098 ACRE TRACT;

THENCE THROUGH THE INTERIOR OF THE SAID 87.21 ACRE TRACT WITH THE LINES OF THE SAID 7.098 ACRE TRACT THE FOLLOWING EIGHT CALLS:

- 1) S 87°35'17" E - 468.47' TO A POINT,
- 2) N 50°17'52" E - 386.19' TO A POINT,
- 3) S 88°48'45" E - 382.54' TO A POINT,
- 4) N 27°56'36" E - 89.61' TO A POINT,
- 5) N 88°48'45" W - 422.88' TO A POINT,
- 6) N 67°44'18" W - 302.76' TO A POINT,
- 7) N 02°24'43" E - 50.30' TO A POINT,
- 8) N 87°31'44" W - 352.40' TO A POINT IN THE WEST LINE OF THE 87.21 ACRE TRACT;

THENCE N 15°58'32" E - 551.70' WITH THE WEST LINE OF THE SAID 87.21 ACRE TRACT AS CITED IN SAID DEED OF THE 7.098 ACRE TRACT TO THE NORTHWEST CORNER OF THE 87.21 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED 92.780 ACRE COPPERAS COVE INDUSTRIAL FOUNDATION, INC. TRACT;

THENCE N 16°01'16" E - 1484.40' WITH THE WEST LINE OF THE SAID 92.780 ACRE TRACT TO THE POINT OF BEGINNING.

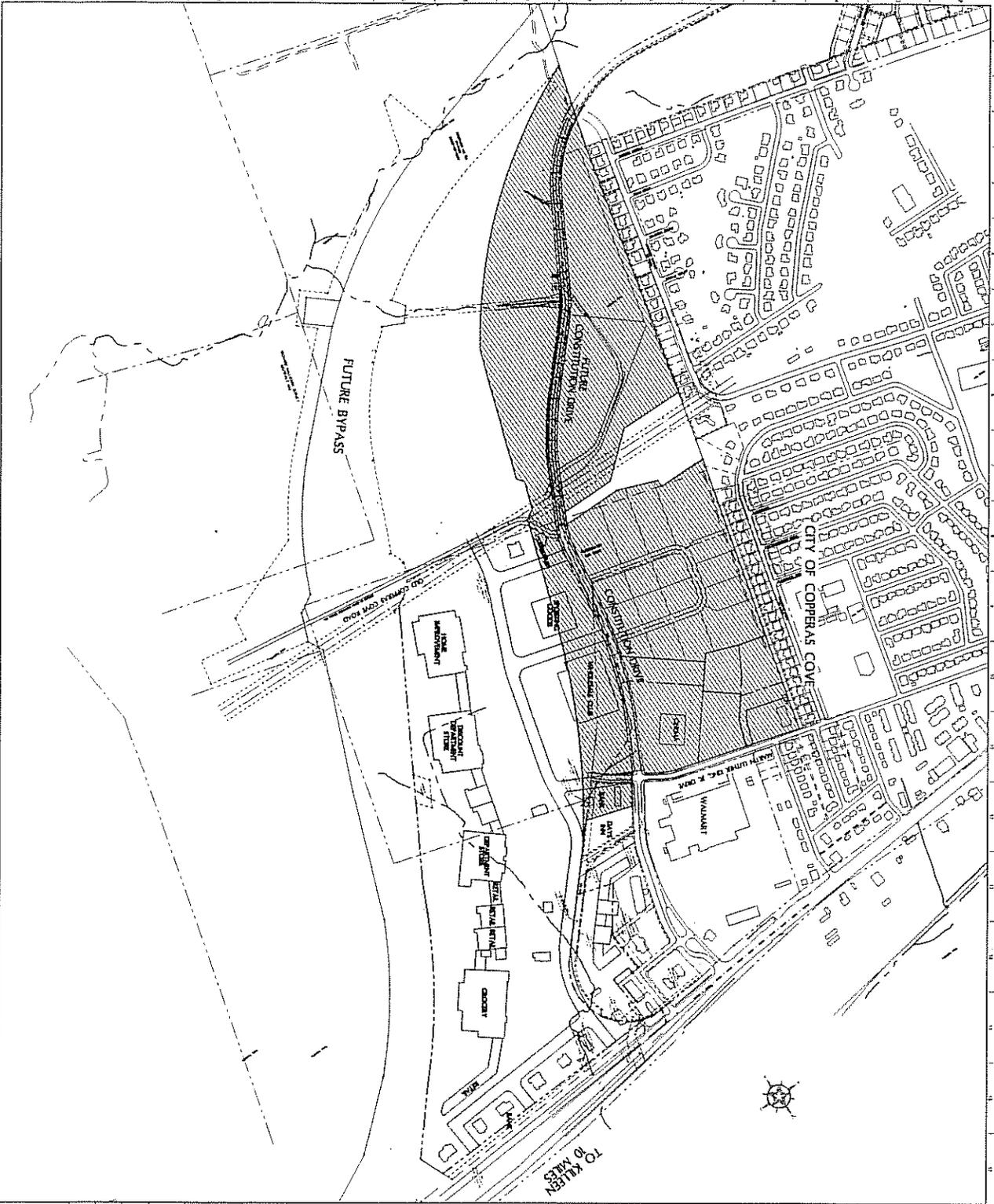
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

PREPARED SEPTEMBER 25, 2009


KEVIN R. HESSEL, R.P.L.S. 5344



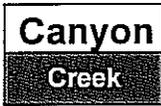
PROJ NO. 2-01389
PLAT NO. A1-0366
FIELD NOTE NO. 2-01389-FN-01
MAP CHECKED BY KRH



 <p>Walker Partners PARTNERS - SERVICES</p>		<p>COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION</p> <p>THE SHOPS AT FIVE HILLS</p>	
<p>PRELIMINARY FOR REVIEW ONLY</p>			
<p>DATE: 01/15/10</p> <p>BY: [Signature]</p> <p>SCALE: AS SHOWN</p>	<p>DATE: 01/15/10</p> <p>BY: [Signature]</p> <p>SCALE: AS SHOWN</p>	<p>DATE: 01/15/10</p> <p>BY: [Signature]</p> <p>SCALE: AS SHOWN</p>	<p>DATE: 01/15/10</p> <p>BY: [Signature]</p> <p>SCALE: AS SHOWN</p>

Tax Abatement Process Timeline

Date	Discussion/Action Item
November 3, 2009	Set Date for Public Hearing to designate Reinvestment Zone
TBD (no later than 7 th day before the hearing)	Notice of Public Hearing to designate Reinvestment Zone – Required by Texas Property Tax Code 312.201(d-1) Subchapter B (earliest date November 6, 2009)
TBD (no later than 7 th day before the hearing)	Written Notice to the Presiding Officer of the Governing Body of Each Taxing Unit that Includes in its Boundaries Real Property that is to be Included in the Proposed Reinvestment Zone. (earliest date November 6, 2009)
TBD	Conduct Public Hearing (earliest date November 17, 2009).
TBD	Designate by Ordinance a Reinvestment Zone (earliest date November 17, 2009).
November 18, 2009	Earliest Date to Provide Notice of Tax Abatement Agreement to Other Taxing Units per Texas Property Tax Code 312.2041(a).
December 1, 2009	Earliest Date to Consider a Request from Canyon Creek Developers LLC.



Canyon Creek Developers LLC

7800 Southwest Parkway, Escondera 713, Austin, TX 78735

October 26, 2009

Ms. Andrea Gardner
City Manager
City of Copperas Cove
507 S. Main Street
Copperas Cove, TX 76522

Dear Ms. Gardner,

Thank you for accepting our application for tax abatements. Please find attached the completed application form as well as a description of our facility. We are excited to join the Copperas Cove Community and look forward to working with you all.

As you know, our intention is to create a leading edge facility – both with respect to the design and services, reflecting our philosophy that elder care should be predicated and practiced on an active platform that stimulates the emotional, intellectual, physical and spiritual well-being of our residents versus simply warehousing the elderly. We anticipate that Stoney Brook will significantly improve the quality of life for the residents by providing a high quality development for the elderly requiring assistance in their daily lives.

We continue to face challenges on the macro-level, given the credit environment and uncertain future. This is sure to impact our lease-up rates. In light of this, we would like you and the City of Copperas Cove to seriously consider our application for tax abatement for the Stoney Brook of Copperas Cove Assisted Living Facility.

Please let us know if you need any further information.

Kindest Regards,

A handwritten signature in black ink, appearing to read "CH", with a long horizontal stroke extending to the right.

Christopher Han
Managing Member

RECEIVED
10-27-09

APPLICATION FOR TAX ABATEMENT IN COPPERAS COVE, TEXAS

FILING INSTRUCTIONS

This application should be filed prior to the beginning of construction or the installation of equipment and should be accompanied by a \$1,500 filing fee. This filing acknowledges familiarity and assumed conformance with "CITY OF COPPERAS COVE, TEXAS TAX ABATEMENT GUIDELINES AND CRITERIA". This application will become a part of any later agreement or contract and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

ORIGINAL COPY OF THIS APPLICATION AND ATTACHMENTS SHOULD BE SUBMITTED EITHER TO:

MAYOR
CITY OF COPPERAS COVE
P. O. DRAWER 1449
COPPERAS COVE, TEXAS 76528

OR

COUNTY JUDGE
CORYELL COUNTY COURTHOUSE
FIRST FLOOR, 620 E. MAIN ST.
COPPERAS COVE, TEXAS 76528

Applications for projects to be located within the municipality of Copperas Cove should be made to the Mayor of Copperas Cove.

Applications for projects to be located in Coryell County and inside of the extraterritorial jurisdiction of the City of Copperas Cove should be made to the Coryell County Judge.

SECTION 1 - APPLICANT INFORMATION

Submittal Date: 10/26/2009

Company Name: Copperas Cove A.L., LLC dba Stoney Brook of Copperas Cove

Address (City/State): MLK, Copperas Cove, Texas

Phone: _____ Fax: _____

Name of company contact on this project: Kerry Ready/ Christopher Han

Contact Address (City/State): 7800 Southwest Parkway, #713, Austin, TX 78735

Phone: 512-474-5471 / 512-474-5470 Fax: _____

Type of Structure: Corporation () Partnership () Proprietorship ()

Total Number New Employees to Start: 16 to 18 employees*

Corporate Annual Sales Per Year: \$2.5 million (at 90% occupancy)

Estimated Local Sales Per Year: \$2.5 million (at 90% occupancy)

Other Job Information *16 to 18 employees at opening. 25 to 29 employees at 90% occupancy

SECTION 2 - PROJECT INFORMATION

Check type of facility to be abated:

Manufacturing	()	Regional Distribution	()	Research	()
Regional Service	()	Other Basic Industry	()		
Residential Medical Services Facility			(X)		

DOWNTOWN DEVELOPMENT DISTRICT

Retail	()	Personal Service	()	Restaurant	()
Entertainment	()	Hotel/Housing	()	Mixed Use	()
Printing	()	Health/ Fitness	()	Gallery	()
Other	()				

Proposed facility address and legal description. **(Attach information and map.)**

MLK Blvd @ Constitution, Copperas Cove, Texas (see attached survey)

The proposed facility is located within the following taxing district:

City of Copperas Cove (X)

Coryell County (X)

Copperas Cove I.S.D. (X)

Describe product or service to be provided: Stoney Brook of Copperas Cove will be a 60-unit / 64 bed assisted living facility. The facility will occupy approximately five acres and consist of an approximately 50,000 square foot main building. Services range from social activities and food service to physical, occupational and speech therapy . The facility will maintain a 24-hour dedicated and highly trained staff.

This application is for a:

New Plant (X)

Expansion ()

Modernization ()

Downtown Development District Project

New ()

Expansion ()

Modernization ()

SECTION 3 - PROJECT DESCRIPTION

Please attach a statement on company letterhead and signed by an officer of the company (1) fully explaining the nature and scope of the project; (2) describing the proposed site and existing improvements, if any; (3) describing all proposed improvements; and (4) providing a list of eligible improvements and fixed equipment for which abatement is requested.

(see attached)

SECTION 4 - ECONOMIC IMPACT INFORMATION

Part A - Original Investment in Improvements

\$ 7.5 million -

Downtown Development District Project:

Improvements to Real Property (buildings, structures, fixed machinery etc). \$ _____

Improvements to Personal Property (excluding supplies, inventory and property which has a productive life of less than 10 years) \$ _____

Part B - Permanent Employment Estimates

If existing facility, what is the current plant employment? N/A employees

Estimated number of plant jobs? Retained N/A Created at start-up 16-18

List expected new permanent employment to be created at the end of first two years after start-up:

25 Year One 29 Year Two

Estimated start-up date: October, 2010

Part C - Construction and Employment Estimates

Construction start: Month November Year 2009

Construction completion: Month October Year 2010

Number of construction jobs: At start-up 12 Peak 50

At completion 30 Number of man-years 35

Part D - School District Impact Estimates

Give number of:

Families transferred to area 2

Estimated number of children to be added to Copperas Cove ISD 3

Part E - City Impact Estimates

	Value Jan 1 Preceding Abatement	Value of Proposed Improvements	Estimated Value Upon Project Completion
Land	\$485,000	\$918,506	\$1,403,506
Improvements	\$0	\$5,809,215	\$5,809,215
Personal Property	\$0	\$265,000	\$265,000

Total Value	\$485,000	\$6,992,721	\$7,477,721
-------------	-----------	-------------	-------------

Expected productive life of abated improvements:

Building 40 Years Equipment 15 Years

Requested Abatement Percentage Flat Rate _____ Declining Rate X

Requested Abatement Term 3 Years

Downtown Development District Impact Estimates

	Value Jan 1 Preceding Abatement	Value of Proposed Improvements	Estimated Value Upon Project Completion
Land			
Improvements			
Personal Property			
Total Value			

Expected productive life of abated improvements:

Building _____ Years Equipment _____ Years Personal _____ Years

What taxable sales will be generated at this location \$ _____ per year.

SECTION 5 - OTHER AGREEMENT APPLICATIONS

Has the company made application for abatement of this project to other taxing jurisdictions?

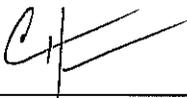
Yes _____ No X

If "Yes", please provide (1) dates of application; (2) hearing dates; (3) name of jurisdiction(s) and contact(s); and (4) any letter of intent to abate.

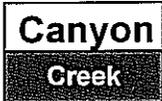
SECTION 6 - DECLARATION

To the best of my knowledge, the above information is an accurate description of project details.

Christopher Han, Managing Member
Printed name and title of company
official



Company official's signature

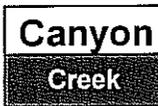


Canyon Creek Developers LLC
7800 Southwest Parkway, Escondera 713, Austin, TX 78735

Stoney Brook of Copperas Cove



Project Description
October 26, 2009



Canyon Creek Developers LLC

7800 Southwest Parkway, Escondera 713, Austin, TX 78735

Overview

The proposed project is a 60-unit / 64-bed assisted living facility located in Copperas Cove, Texas. The facility will occupy approximately 5 acres and consist of an approximately 52,000 square foot main building housing all administrative functions and residents, with a separate shed of approximately 1,000 sqft. The main building is comprised of three major "neighborhood" wings arranged around a central core housing the administrative, service, and activity functions. Two of the wings will be joined by boxing around a central open courtyard and serve as the wander garden for memory care residents. The facility will accommodate 64 residents in an array of room configurations:

Unit Configuration

- 8 x studio units 335 sqft
- 20 x one bedroom units 440 sqft
- 8 x one bedroom large units 600 sqft
- 4 x 2-bedroom units 725 sqft
- 20 x studio Dementia units 335 sqft

Each unit will be furnished with a kitchenette and small refrigerator lifted off the ground for handicap access, closet space, bathroom with handicap shower, and independent climate control units. Some units will have doorways providing direct access to the courtyard and covered walkway.

The model is based upon a similar design and operating platform that the developers proved successful in Iowa, i.e. similar floorplans, operating ratios, service levels, budget guidelines, and quality control procedures, with the exception of the exterior and rooflines, which will be adapted for prevailing Central Texas style through the use of stone and stucco facing with wood accents in common areas.

Resident Wings

Each of the resident wings will contain between 14 and 18 residents, common living room, kitchenette, dining room, and outdoor portico/sitting area. Additionally, each wing will have a Staff Room/Nurse station, housekeeping/storage closets and an eat-in Bistro setting. Residents will furnish their own dwellings.

Central Core

The central core of the main building will include a communal dining room, private dining room for parties and meetings, outdoor sitting area, social parlor, exercise room, physical therapy room with whirlpool, resident mailboxes, beauty salon, main activities room with TV, library, entertainment, and sofas and armchairs. Additionally, the central area will house three administrative offices, staff lounge, meeting room, medication set-up room, mechanical room, kitchen and delivery area, maintenance room, and public restrooms as follows:

Grounds

The boxed in courtyard will serve as a common outdoor space accessible by the residents. A separate wander garden will be located off the Dementia care unit wing. Both grounds will provide residents and guests with secure areas to walk, exercise, visit, and otherwise enjoy the outdoors. Emphasis will be placed on providing ample shaded areas with the placement of outdoor structures and the planting of quick growing shade trees. Ample parking will be provided for visitors and to allow independent residents the freedom to travel on their own. An onsite maintenance person will be in charge of the ground building maintenance. A high level of attention to detail will ensure that the design and completion of the facility will exceed expectations.

Resident Services

Copperas Cove Assisted Living will provide for the following services and amenities to its residents:

Services

Full activities program
Three meals daily with table or room service
24-hour supervision by dedicated and trained staff
Weekly housekeeping service
Weekly laundry service
Emergency call system
Individual climate units
Paid utilities (except cable & telephone)
Year round building and grounds maintenance

Amenities

Social / Ice Cream Parlor
Physical Wellness program
Exercise room with equipment
Private family dining room and service
Outdoor courtyard and activity areas
Gardening space
Outreach programs - visiting lectures
Neighborhood living rooms
Neighborhood bistro dining

Additionally, Copperas Cove Assisted Living will provide physical therapy, occupational therapy, speech therapy, and massage services in the spa and therapy rooms. These services will be contracted through either local hospitals or private providers.

Space Usage

- Entry Area:** Single wide door handicap access leads into the main foyer. Receptionist console is located immediately upon entry with sitting lounge and administrative offices for administrator, nursing director and support staff arrayed around the main entrance.
- Offices:** Executive managers will have resident accessible offices in the central core.
- Laundry:** One central laundry room with five washers and five dryers. A separate sorting room and folding counter will be installed. Residents will have access to their clothes and washing facilities at all times. Resident service includes laundry twice per week.
- Kitchen:** All meals will be prepared in the main kitchen, which will feature a serving counter, walk-in storage and refrigeration. All meals will feature table delivery.
- Dining Room:** Main dining chamber will accommodate up to 100 guests. Private dining chamber will accommodate 25 people and have access to covered outdoor dining on one of the two decks.

- Social / Ice Cream:** This space will create a casual social gathering spot with 4-seat tables, and offer amenities such as a separate refrigerator, granite countertop, music system and table-top entertainment.
- Beauty Salon:** The Spa will serve both men and women as a full service hair salon. The design will incorporate elements from leading spas to create a relaxing atmosphere.
- Activity Room:** The Main Lounge and Activity area will serve as the primary center for most activities and offer a fireplace, featured guests and lectures, movies, and event space for special events.
- Medical Prep Room:** A secure medication preparation and storage site that can be used an for examination, therapy and massage.
- Exercise Room:** For physical therapy and general exercise. Will have several cardio vascular machines, free weights and tension devices as well as massage table.
- Wing Commons:** Each wing will have a large common room with a kitchenette and space for activities and dining. Outside will be a small garden area to provide outdoor access.

